

EXHIBIT E

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA
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4 CARLOS VICTORINO, et al.,)
5 Plaintiffs,)
6 vs.)
7 FCA US LLC,)
8 Defendant.)
9 _____)
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15 DEPOSITION OF EMAD SALAMA
16 BURBANK, CALIFORNIA
17 TUESDAY, JUNE 20, 2017
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24 REPORTED BY: DORIEN SAITO, CSR 12568, CLR
25 JOB NO: 125357

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF CALIFORNIA

3 CARLOS VICTORINO, et al.,)
4)
5 Plaintiffs,)
6)
7 vs.)
8 FCA US LLC,)
9)
10 Defendant.)
11 _____)

12 DEPOSITION OF EMAD SALAMA, taken on
13 behalf of DEFENDANTS, at 2500 North
14 Hollywood Way, Burbank, California 91505,
15 commencing at 4:43 p.m., Tuesday,
16 June 20, 2017, before DORIEN SAITO,
17 CSR 12568, CLR.
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1 A P P E A R A N C E S :

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3 FOR PLAINTIFF:

4 CAPSTONE LAW
5 By: KAREN WALLACE, Attorney at Law
6 1875 Century Park East
7 Los Angeles, CA 90067

8 FOR DEFENDANT:

9 THOMPSON COBURN
10 By: THOMAS AZAR, Attorney at Law
11 One US Bank Plaza
12 St. Louis, MO 63101

BURBANK, CALIFORNIA; TUESDAY, JUNE 20, 2017

4:49 P.M.

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EMAD SALAMA,

having been duly administered an oath

in accordance with CCP 2094, was

examined and testified as follows:

EXAMINATION

BY MR. AZAR:

Q Mr. Salama, good afternoon.

A Hello.

Q Okay. My name is Tom Azar. I am here representing FCA, the defendant in this case. And let me ask you first for the record, would you mind stating your full name?

A Emad Salama.

Q And where do you currently live?

A House address?

Q Yes, please.

A 36632 Isabella Parkway, Santa Clarita 91350.

Q And Mr. Salama, do you -- are you the owner of J & E Auto Services, Inc.?

A Yes, I am.

1 Q Okay. How long did you have the vehicle for?

2 A The first time?

3 Q Yes.

4 A Say about four to five days.

5 Q And we're going to get into subsequent
6 visits. I just want to, as much as possible, sort of
7 take it chronological for the moment.

8 A Sure.

9 Q So during that time, describe for me what
10 you -- describe for me the repair you do to the
11 vehicle.

12 A So we pulled the transmission out. The way
13 the slave cylinder comes in, it comes in with the
14 clutch, which is a unique design or different design,
15 as we say. And basically we had to replace the
16 clutch, because when the transmission is out it would
17 be very foolish not to replace the clutch.

18 Q Before opening the transmission up, did you
19 do anything else to diagnose what the issue might be
20 with Mr. Tavitian's vehicle?

21 A Not with him.

22 Q What do you mean "not with him"?

23 A Well, the car came in, the pedal's all the
24 way to the floor. Put brake fluid in it, it's leaking
25 from the middle. The trans has to come out. So I

1 know that we have to remove the -- the trans either
2 way. So since I already quote him for a clutch job,
3 I'm going to pull the trans anyway to see what's going
4 on. So I directed my guy to start pulling the trans.

5 Q And so by "trans" you mean transmission?

6 A Transmission, yes.

7 Q Just so we're clear on terms.

8 A Right.

9 Q No, I understand it, but I got to make sure
10 it's clear for the record.

11 And so looking at Exhibit BB, is this an
12 accurate summary of the repairs you did to the clutch
13 on Mr. Tavitian's vehicle?

14 A Yes.

15 Q Okay. So just to walk through that exhibit,
16 so it looks like you put in a new clutch set?

17 A Yes.

18 Q And a new slave cylinder?

19 A Correct.

20 On the right side is the labor.

21 Q And on the right side is the labor cost?

22 A Uh-huh. Uh-huh.

23 Q Did you do anything to Mr. Tavitian's
24 vehicle -- strike that. Let me start again.

25 Did you make any repairs to Mr. Tavitian's

1 vehicle that are not reflected on this Exhibit BB?

2 A No.

3 Q So to put it another way, this is a complete
4 and accurate summary of the repairs?

5 A Of the repair.

6 Q That's a yes; right?

7 A That's a yes, at that time.

8 Q At that time.

9 And so after you did these repairs and
10 replaced Mr. Tavitian's clutch set and slave cylinder,
11 how did the vehicle operate?

12 A No problem. It was good.

13 Q Okay. And so at some point Mr. Tavitian came
14 and picked up his vehicle?

15 A Sure, and paid for it.

16 Q I don't see a clutch master cylinder
17 reflected on Exhibit BB.

18 Did you ever replace Mr. Tavitian's clutch
19 master cylinder?

20 A I did. And I'm going to get to that.

21 Q That's something that happens later on down
22 the line?

23 A Uh-huh.

24 Q So let's pick up with our story.

25 Mr. Tavitian comes, he pays for the repairs

1 that are reflect in the Exhibit BB --

2 A Right.

3 Q -- he takes the vehicle.

4 What happens next?

5 A A few days after, maybe three or four days,
6 he called me up stating that the -- he's having a hard
7 time shifting.

8 Q And did he describe his problems or issues
9 any further?

10 A Pedal's going to the floor.

11 Q Okay.

12 A The pedal is losing pressure, as he described
13 it.

14 Q Did he drive the vehicle in or have it towed
15 in?

16 A He had it towed in.

17 Q Did you and Mr. Tavitian discuss the issue
18 with the clutch any further during this call?

19 A I -- I said that it sounds like there's air
20 in the system, and we'll find out what happened and
21 try to get it out. It's not uncommon that -- that the
22 system will catch air somehow. Sometimes there's an
23 air pocket inside the system and you have to get it
24 out.

25 Q And so he brought the vehicle back in?

1 A With the tow truck.

2 Q Okay. And what did you do next?

3 A We inspect it and tried to get the air out,
4 and we did. Start to have pedal again, and it was
5 fine.

6 Q And so Mr. Tavitian took his vehicle?

7 A Picked up his car.

8 Q Picked up his car.

9 Did you charge him anything additional --

10 A No.

11 Q -- for this second set of repairs?

12 A No.

13 Q Other than -- well, let me --

14 What do you do to try to get air out of the
15 system?

16 A Well, few ways -- there's a few ways to do
17 that. As far as the manual says, there's a procedure
18 to do so, so we follow that procedure. It's on --
19 Mitchell On Demand, that is the repair software that
20 we use.

21 Q Okay. And that's basically software that
22 sort of lays out --

23 A Lays out the procedure of bleeding a clutch.

24 Q Okay.

25 A Because some of them are different.

1 Q Other than bleeding the clutch, did you do
2 anything else with Mr. Tavitian's vehicle on this
3 second visit?

4 A No.

5 Q And after you bled the clutch, the clutch
6 pedal seemed to be operating normally?

7 A Operating normally, and went for a test drive
8 and it was fine.

9 Q And so what happened next with respect to
10 Mr. Tavitian's vehicle?

11 A Few days later he call me up, "Emad, I'm
12 having the same thing." That's what he said again.

13 Q And what did you say in response?

14 A "Let's bring it back in, see what happened."

15 Q Was anything else said during that call?

16 A No.

17 Q And so I take it --

18 Did he have the vehicle towed back in?

19 A He did, I believe, yeah.

20 Q Okay. And so --

21 A Oh, I think -- I may have -- I'm not -- I
22 can't recall, I may have sent him a tow truck.
23 Feeling bad for him, so I wanted to stand behind it.

24 Q And what did he -- excuse me, strike that.

25 What did you do next with respect to

1 Mr. Tavitian's vehicle?

2 A Well, tried to bleed it one more time.

3 Q Okay. Did you try anything else?

4 A I could not get air out.

5 Q Did it seem to you like there was air in the
6 system you just couldn't get out, or -- or that it was
7 some other issue?

8 A Well, after a while I had to get a clutch
9 master cylinder, because I was thinking that maybe
10 it's faulty. That still did not do it. And I tried a
11 couple of parts on my expense. Still was not able to
12 do anything about it for days.

13 Q What parts did you try?

14 A I tried the clutch master cylinder, I also
15 tried the hose and a connector that works as a
16 bleeding device. The design -- the design of that
17 device or part, in my opinion, it's very poor.

18 Q Okay. Which -- which part are we talking
19 about?

20 A The way to extract air out of the system.

21 Q And so maybe I'm not -- maybe I'm not clear
22 in my head.

23 The -- the hose we're talking about, is this
24 a hose that is normally in the clutch system or is it
25 something you buy to try to fix the clutch system?

1 A On any car, a clutch system, a hydraulic
2 clutch system is operated by a master cylinder that is
3 filled with brake fluid. Brake fluid travel from the
4 master cylinder, through a hose or line down to the
5 slave master cylinder. The slave master cylinder gets
6 the fluid in there. And when you push your pedal, it
7 pushes a rod to push that fork to make a clutch work.
8 So from point A, clutch master cylinder, to the clutch
9 slave cylinder, there's a disk in there, and air has
10 to come out from that.

11 Now, almost 90 percent of cars out there,
12 they have design -- have bleeders to -- to bleed the
13 system. But Dodge decide otherwise to have two O-ring
14 shaft going in there where she has brake fluid, and
15 just by the -- a clip, you push and you pull the hose
16 in and out, and that's how you get the air out.

17 Q And so based on looking at Mr. Tavitian's
18 vehicle, you think the issue -- the reason he kept
19 having air in his -- in his hose was this issue with
20 the -- the two O-ring shaft going in?

21 A Or -- or -- it's a line.

22 Q It's a line?

23 A It's a line, but with two O-rings on. The
24 first O-ring plugs the hole, the second O-ring just
25 seals the system. So basically, they just want you to

1 push the line in. Once you push the line in, it's
2 locked up. If you push the line out as someone
3 pushing the clutch, the air bubble will come out. And
4 that's how you bleed the clutch.

5 Q Okay. So the issue -- at least the issue
6 that you think it was with regard to Mr. Tavitian's
7 vehicle, was these -- these -- essentially the clips
8 that hold the hose in place were letting some air get
9 in?

10 A The design is not right, in my opinion.
11 Instead of having an old fashioned bleeder screw that
12 would avoid all these problems, he just came up with
13 that design.

14 Q Did you and Mr. Tavitian talk about the
15 design of the -- of the clutch or parts of the clutch?

16 A Later on.

17 Q Later on.

18 And so after this -- is this the third --

19 A Third.

20 Q -- attempted time?

21 A Third and last time.

22 Q Okay. So this is the third and last time?

23 A Yes.

24 Q After -- after you try that and you replace
25 the clutch master cylinder and it doesn't fix the

1 issue --

2 A And the line and the nipple.

3 Q And the line and the --

4 By "nipple," do you mean the connector?

5 A They call it -- the connector is the nipple,
6 yeah.

7 Q Okay. So after you replace those parts, what
8 do you do?

9 A I have no choice but to assume that we have a
10 defective slave cylinder, which is inside the trans.

11 Q And this is --

12 A Like not catching air -- not leaking anymore,
13 but catching air.

14 Q So this is the slave cylinder that you
15 replaced in the first repair?

16 A True.

17 Q Okay.

18 A From Dodge.

19 Q Okay. Where did you get the slave cylinder?

20 A From Glendale Dodge.

21 Q Oh, from Glendale Dodge.

22 Okay. And so at that point you assume it's
23 an issue with the slave cylinder?

24 A You know, you've been doing this for the last
25 30 years, you know, and you're spending hours and

1 Q Is it possible Mr. Tavitian offered to give
2 you \$900 at some point in the future, and you just
3 forgot about it?

4 A I don't recall.

5 Q I guess what I'm getting at is, was there any
6 conversation about him giving you more money, chipping
7 in more money for the repairs at some point in the
8 future?

9 MS. WALLACE: Asked and answered.

10 BY MR. AZAR:

11 Q You can answer.

12 A (No audible response.)

13 Q I'm sorry, you have to speak out loud. She
14 can only take down verbal responses.

15 A No one called me.

16 Q So is that a no or --

17 A No.

18 Q Is that something you'd like to see,
19 Mr. Tavitian to give you \$900?

20 A No. I -- you know, my -- this is how I been
21 brought up and this is how I run my business. If I
22 can't fix it, I can't fix it. If it's not fixable for
23 the customer, what am I going to do? How can I sell
24 you something that doesn't work?

25 Q Now, the parts that you took out of

1 Mr. Tavitian's vehicle, I think we have a slave
2 cylinder, a clutch master cylinder and a number of
3 other parts.

4 Mr. Tavitian indicated those parts are now
5 gone; is that correct?

6 A Yes.

7 Q So to the extent that those parts were
8 removed from his vehicle in October of 2016, you just
9 discarded them in the ordinary course --

10 A Right.

11 Q -- is that fair?

12 A Yeah. We keep them for a few days. If the
13 customer doesn't ask for them, usually by law, I think
14 it's 48 hours, I think. I'm not sure. 48 hours, I
15 think. If the customer doesn't want to see his old
16 parts or -- it usually goes in the junk pile.

17 Q And just to be clear, Mr. Tavitian didn't ask
18 you to save those parts; correct?

19 A No.

20 Q Did any of his attorneys contact you and ask
21 you to save those parts?

22 A No.

23 Q Just to make sure I haven't lost count, so
24 the parts that were taken out of Mr. Tavitian's
25 vehicle in October 2016 and that were discarded would

1 include his slave cylinder, his clutch master
2 cylinder.

3 What am I missing?

4 A Connecting hose.

5 Q The connecting hose?

6 A It's called the tube.

7 Q Excuse me, the tube.

8 Any other parts?

9 Oh, you have receipts. That's always the
10 easiest.

11 A That union and the clip. That's the --

12 And this is the tube. Air vac, they call it.
13 They call things a little different than what we call
14 them in the general automotive industry.

15 Q Mr. Salama, the invoices or receipts that you
16 just pulled out, can I mark those as exhibits and keep
17 them? I'll return the originals to you.

18 If there's no objection.

19 MS. WALLACE: I would like to get copies.

20 MR. AZAR: Oh, I will absolutely give
21 everyone copies. Just to --

22 THE WITNESS: Can I go to the bathroom?

23 MR. AZAR: Yes.

24 THE WITNESS: Real quick.

25 MR. AZAR: Let's go off the record.

1 (A recess was taken.)

2 MR. AZAR: Back on the record. Okay.

3 Q Mr. Salama, let's just -- I'm going to take a
4 step back, and then hopefully make it a little simpler
5 going forward.

6 So in front of you, you have Exhibit BB,
7 which is the invoice that we looked at earlier.

8 A Uh-huh.

9 Q We now have four documents which are
10 Exhibits A through D. And Exhibits A through D, if I
11 understand correctly, are receipts for parts that you
12 bought that were replaced in Mr. Tavitian's vehicle?

13 (Defendant's Exhibits A through D were
14 marked for identification by the
15 shorthand reporter.)

16 THE WITNESS: Yeah. But not necessarily
17 that he was charged for, for all.

18 BY MR. AZAR:

19 Q Correct, and that's --

20 So these are the receipts from the charges to
21 you, not to Mr. Tavitian?

22 A Exactly. Not all of them, some of them were
23 to Mr. Tavitian.

24 Q So where we left off -- where we left off, we
25 were trying to come up with a list of parts that were

1 taken out of Mr. Tavitian's vehicle in October of
2 2016.

3 And so the slave cylinder was taken out and
4 discarded; correct?

5 A Yes.

6 Q The clutch master cylinder was taken out and
7 discarded; yes?

8 A Right.

9 Q And from there, I'm going to let you look at
10 the exhibits. If you could just tell me the other
11 parts that were taken out of Mr. Tavitian's vehicle
12 and discarded.

13 A This is the -- this is like a little plastic
14 connector.

15 Q Okay. And so just for the record, we're
16 looking at defendant's Exhibit D?

17 A Yeah.

18 Q And we're looking at a line item that says?

19 A Actuator clut.

20 Q Actuator clut?

21 A Yeah, for clutch.

22 Q Gotcha. Okay.

23 A Uh-huh.

24 Q So the actuator -- do you just refer to that
25 as a clutch actuator?

1 A You can say that, yes. They call the parts
2 different.

3 Q Okay. What would you call that?

4 A Just a connector.

5 Q Okay. So that -- that connector is taken
6 out.

7 What does that connector connect?

8 A Basically, it's a plastic design and it's --
9 brake fluid goes through it. And when you pull that
10 hose to bleed, it goes in there in a puff. It comes
11 up from the opening.

12 Q Okay. Where is it in the clutch system?
13 What does it connect to?

14 A It connects to the hose.

15 Q Okay. And so --

16 A This one (indicating).

17 Q So it connects to the hose --

18 A Uh-huh.

19 Q -- which is reflected in Exhibit C?

20 A Uh-huh.

21 Q And so the hose in Exhibit C, that's another
22 part that was taken out of Mr. Tavitian's vehicle and
23 discarded?

24 A Uh-huh.

25 Q Okay. And what else was taken out?

1 A This is a small clip and a union -- they call
2 them union -- that was replaced in -- in -- in
3 relation to that hose. So --

4 Q Okay. And just for the record, we're looking
5 at defendant's Exhibit B, which talks about a clip and
6 a union.

7 A Uh-huh.

8 Q And those two parts were taken out of his
9 vehicle and discarded?

10 A Correct.

11 Q Okay.

12 A And then we come to the bearing on the clutch
13 set.

14 Q Okay. So Exhibit A is the receipt for the
15 bearing and the clutch set?

16 A Uh-huh.

17 Q Okay. And so between Exhibits BB, and then
18 A, B, C and D, are there any other documents out there
19 that would show other parts taken out of
20 Mr. Tavitian's vehicle?

21 A They may have, but I could not locate them.

22 Q Okay.

23 A They may have.

24 Q And so just as we here today, these are
25 essentially the universe of documents about

1 Mr. Tavitian's repair that you have?

2 A Right.

3 Q Did you ever find out the rest of the story
4 as to how Mr. Tavitian's clutch wound up being fixed
5 or repaired afterwards?

6 MS. WALLACE: Objection; vague and
7 ambiguous.

8 BY MR. AZAR:

9 Q You can answer.

10 A No, I don't know nothing.

11 Q Okay.

12 A I don't know anything about it.

13 Q Okay. That's fine. I just want to make
14 sure -- I want to make sure -- you have to say it out
15 loud?

16 A Yeah.

17 Q -- so that she can type it, because a head
18 nod is --

19 A Yeah, yeah. I gotcha.

20 Q Gotcha.

21 A She explained that to me.

22 Q How often do you wind up working on clutches?

23 A I'd say at least about 8 to 10 times a year.

24 Q Okay.

25 MR. AZAR: Just a minute, I think we're

1 close. It's being done. So no problem.

2 THE WITNESS: Uh-huh.

3 BY MR. AZAR:

4 Q When you refunded the \$900 to Mr. Tavitian,
5 did you write him a check or did you give him cash?

6 A I wrote him a check, I believe. I believe.
7 I did. I did write him a check. That is 100
8 percent.

9 Q How is it that Ms. Wallace and the Capstone
10 law firm came to be representing you in this
11 deposition today?

12 A They contact me --

13 Q Okay.

14 A And --

15 Q And what did they tell you?

16 A They said that they will represent me.

17 Q Do you have a written agreement with them?

18 A No.

19 Q Have you agreed to pay them anything for
20 representing you?

21 A No.

22 Q Have you authorized them to accept service of
23 papers or legal documents on your behalf?

24 A No.

25 Q And so, if a claim was filed against you

1 related to Mr. Tavitian's vehicle, is the Capstone law
2 firm your lawyers?

3 A Yes.

4 MR. AZAR: I have no further questions.

5 MS. WALLACE: Will you give us five
6 minutes to --

7 MR. AZAR: Yeah. Do you want the room?

8 MS. WALLACE: We can go outside, that's
9 fine.

10 MR. AZAR: Off the record.

11 (A recess was taken.)

12 MS. WALLACE: So, Mr. Salama, how did you
13 first learn about this deposition?

14 THE WITNESS: It was delivered to me.
15 Somebody delivered it.

16 MS. WALLACE: Okay. Do you recall who it
17 came from?

18 THE WITNESS: No. I have the papers at
19 work, but I don't recall that.

20 MS. WALLACE: Okay. Okay. That's it.

21 MR. AZAR: I have nothing further.

22 You will be -- the court reporter has
23 graciously agreed to take our exhibits and send us
24 copies.

25 Is anything else we have to put on the